BOARD OF SUPERVISORS MINUTES **JULY 22, 2008**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, July 22, 2008 beginning at 7:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: R. Mark Johnson, Chairman; Teri L. Pace, Vice-Chairman; Zack Burkett; S. Teel Goodwin; and Lee H. Frame, Jr. Also present: William C. Rolfe, County Administrator; Todd G. Patrick, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Frame moved, seconded by Mr. Goodwin and carried, to adopt the agenda as revised. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mr. Goodwin and carried, to approve the following consent agenda items as presented:

RE: SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

The Board approved the following supplemental appropriations for fiscal year 2008:

DEPT	ACCOUNT DESCRIPTION		AMOUNT	Funding Source
Sheriff	Forfeited Assets	$	118.80	Forfeited assets
Sheriff	Forfeited Assets	$	292.96	Forfeited assets
Sheriff	Forfeited Assets	$	35.46	Forfeited assets
Sheriff	Vehicle Maintenance	$	3,321.60	Insurance Recovery
Sheriff	Triad Supplies	$	50.00	Donations
Sheriff	Triad Supplies	$	520.00	Donations
Sheriff	Security Work	$	1,339.73	Security Work Revenue
Subtotal Sheriff		**$**	**5,678.55**	
Office on Youth	After Prom SAP	$	25.00	Donations
Office on Youth	Skyline CAP	$	5,000.00	Skyline Revenue
Subtotal Office on Youth		**$**	**5,025.00**	
Human Resources	COBRA receipts	$	7,021.03	Expenditure Refund
Subtotal Human Resources		**$**	**7,021.03**	
Animal Shelter	Emergency Vet Fund	$	6,759.59	Donations
Animal Shelter	Pet Food	$	22.00	Donations
Animal Shelter	Adoptable S/N	$	1,215.00	Donations
Animal Shelter	Adoptable S/N	$	2,165.00	
Subtotal Animal Shelter		**$**	**10,161.59**	
	June Total	**$**	**27,886.17**	
	Fiscal Year to Date Total	**$**	**1,485,281.02**	

RE: SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

The Board approved the following supplemental appropriations for fiscal year 2009:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Sheriff	Dare Program	$ 25.00	Donations
Subtotal Sheriff		**$ 25.00**	
	July Total	**$ 25.00**	
	Fiscal Year to Date Total	**$ 25.00**	

RE: BUDGET TRANSFERS

The Board approved the following budget transfers:

Transfer from department	Transfer from line item	Transfer to department	Transfer to line item	Amount
Library-Orange	Audio visual	Library-Wilderness	Audio visual	200.00
Sheriff	Telephone	Crime Analyst	Telephone	61.00
Sheriff	Part-time wages	Victim Witness	Part-time Wages	210.00

RE: MINUTES

The Board approved the April 8, 2008, minutes; and the April 15, 2008, minutes as presented.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

Phyllis M. Yancey, Treasurer of the Orange County Fair Board, invited the Board to the Orange County Fair scheduled for July 24 – 27, 2008, at Montpelier.

RE: BOARD COMMENT

None.

RE: ACTION ITEMS

RE: RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD (RRCSB) FISCAL 2009 PROGRAM PLAN

Brian Duncan, Executive Director of the Rappahannock-Rapidan Community Services Board, presented the FY 200 Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Area Plan for Aging Services.

Discussion ensued including: the most consuming resource; services that are mandated by the state; local funding; and the weakest area in the scope of services provided.

Mr. Frame moved, seconded by Mrs. Pace and carried, to adopt the following resolution to receive the Rappahannock-Rapidan Community Services Board's FY 2009 RRCSB-AAA with the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the 2009 Area Plan for Aging Services, and acknowledges that the Orange County Board of Supervisors participated in the review process and has no additional comments regarding the Contract or Plan:

A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING (RRCSB-AAA) FY 2009 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES

WHEREAS, in June 2008, the RRCSB-AAA adopted its Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services, and its Area Plan for Aging Services with the Department of Aging; and

WHEREAS, the Orange County Board of Supervisors has received a request from the RRCSB-AAA that it endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED, by the Orange County Board of Supervisors this 22nd day of July, 2008, that the Orange Board of Supervisors does hereby receive the FY 2009 RRCSB-AAA with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the 2009 Area Plan for Aging Services, and acknowledges that the Orange County Board of Supervisors participated in the review process and has no additional comments regarding the Contract or Plan.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC HEARING: CONDITIONAL ZONING ORDINANCE

At 7:30 p.m., this being the time and place as advertised in the Orange County Review, Chairman Johnson called the public hearing to order to receive comments on the following:

- An ordinance to enact Virginia Code 15.2-2303. Conditional Zoning in certain localities, which will allow the county to utilize a form of cash proffers that is modified from that which the county currently uses.

Deborah S. Kendall, Director of Strategic Planning, briefly reviewed the proposed ordinance with the Board.

At 7:42 p.m., Chairman Johnson opened the floor for public comment. There being none, the public hearing was closed.

Discussion ensued including: the down side of enacting the ordinance; commercial rezoning; proffer policy; General Assembly legislation; and impact fees.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to adopt the following ordinance as presented:

AN ORDINANCE TO AMEND CHAPTER 70, ZONING

WHEREAS, the Orange County Board of Supervisors recognizes that certain changes made by the General Assembly now allow the County to utilize the conditional zoning provisions contained in §15.2-2303 of the Code of Virginia, 1950, as amended, instead of §15.2-2298 that the County's proffers are currently provided by; and

WHEREAS, the Orange County Board of Supervisors recognizes that §15.2-2303 allows for greater flexibility in accepting and collecting cash proffers associated with rezoning requests, and wishes to minimize potential negative impacts that such rezoning can have on the citizens of the County, and

WHEREAS, this proposed ordinance has been advertised in accordance with the Code of Virginia, 1950, as amended

NOW THEREFORE, BE IT ORDAINED by the Orange County Board of Supervisors that the County hereby chooses to utilize the conditional zoning authority granted under §15.2-2303 of the Code of Virginia, 1950, as amended, instead of §15.2-2298 of the Code of Virginia, 1950, as amended.

This Ordinance shall be effective upon the date of its adoption.

Ayes: Johnson, Burkett, Goodwin, Frame. Nays: Pace.

RE: ACTION ITEMS CONTINUED

RE: APPROVAL OF MIDDLE SCHOOL PLANS

Mr. Frame stated that he had requested that this item be added to the agenda. He updated the Board on the status of the Middle School Project.

Mrs. Pace commented on the windows and the courtyard not being necessary because there are only 16 classrooms.

Bill Laughlin, Principal in charge of the project, explained that the courtyard was a consequence of the design.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to approve the middle school plans as presented. Ayes: Johnson, Goodwin, Frame. Nays: Pace. Abstain: Burkett.

RE: ECONOMIC DEVELOPMENT AUTHORITY BUDGET AMENDMENT

Karen Karasinski, Finance Director, explained that the County is currently paying and recording expenses of the Economic Development Authority (EDA) in the General Fund. There is not appropriate segregation between the two entities and staff is recommending that all appropriated funds be contributed to the EDA. She concluded by saying that the contribution and expenses will then be recorded in the EDA accounts.

Discussion ensued including: the need for segregating the funds; and what expenses are paid out of the fund.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to authorize a contribution to the EDA in the amount of $177,056 for fiscal year 2008 and $177,253 for fiscal year 2009 from the current appropriation in the EDA budget. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: OFFICE DEPOT CONTRACT

Karen Karasinski, Finance Director, stated that the U. S. Communities Purchasing Alliance provides volume discounts on selected products on collective purchasing power of 87,000 public agencies. This is a non-profit organization and there is no fee for Orange County to participate. She explained that the agency awarded Office Depot a contract for office and classroom supplies. The contract is good through January 1, 2010. Under the agreement, Orange County can order supplies on-line at a discounted price for next day delivery and receive a rebate based on annual purchases. Mrs. Karasinski concluded by saying that staff requests authority to purchase supplies under the contract for all departments and Constitutional Officers in an amount not to exceed $70,000 each fiscal year.

Discussion ensued including: confirmation of procurement rules and internal controls; and purchasing supplies from local vendors.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to authorize the County Administrator to purchase office supplies under the U. S. Communities Contract through January 1, 2010. The contact amount shall be paid from all department and Constitutional Officers office expense line item (6001) in an amount not to exceed $70,000 per year. Future year participation is contingent upon the adoption of future year budgets. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: RECREATION FEES FOR SOCCER

Julie Jordan, Assistant County Administrator, reviewed with the Board the proposed recreation fees for soccer.

Discussion ensued regarding: having the programs break even; and the possibility of the soccer program being transferred to a private group interested in taking it over.

Mr. Frame moved, seconded by Mr. Burkett and carried, to approve the fees for the 2008-2009 year for Orange County Soccer and SOCA effective July 16, 2008. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: RECESS

The Board took a short recess at 8:56 p.m. and reconvened at 9:00 p.m.

RE: CONSTITUTIONAL OFFICER AGREEMENTS

Mr. Rolfe explained that agreements between the five Constitutional Officers had been drafted for the Board's review. He stated that the agreements basically stipulate that the Constitutional Officers will adhere to the provisions of the County Personnel Policies and Procedure Manual. This covers all employees of the Constitutional Offices but not the Constitutional Officers themselves. He noted that the agreements are very similar to agreements approved by the Board in the past with a couple of exceptions. He explained that the agreements with the Clerk of the Circuit Court and the Commonwealth Attorney include provisions that recognize that the Circuit Court Judge may order a different holiday schedule than the County's holiday schedule and may order the operation of the Courthouse be different from the County schedule during inclement weather due to court schedules and deadlines. The proposed agreements now have the Courthouse open and operating the same hours as the rest of the County. It should be noted that Mrs. Timmons does not concur with the changes and requests

the opportunity to discuss this matter with the Board personally. Mr. Rolfe stated that the Sheriff's agreement has a special provision relating to discipline and/or termination of his employees and the keeping of separate records due to confidentiality and criminal investigations. He noted that having the Courthouse open the same hours as the rest of the County offices, the Sheriff's Office will need to schedule personnel for the additional one hour per day to provide security of the Courthouse. This will result in two additional employees working one more hour per day; hence additional personnel costs.

Sheriff Amos commented on the Court Security process and the requirement that the Sheriff's Office provide security for when court is in session.

Linda Timmons, Clerk of the Circuit Court, commented on her disagreement with the office hours and stated that the Circuit Court Judge sets the hours as to when the Courthouse is open. Mr. Rolfe stated that he had received a memo from Judge Bouton stating that he would support whatever the Board of Supervisors and the Clerk of the Circuit Court worked out.

Phyllis Yancey, Treasurer, commented on the need for all offices to have the same hours of operation in order to be fair to all of the employees.

Discussion ensued between the Board and Mrs. Timmons regarding her staff and the hours that they work when court is in session and her concerns that the Clerk's Office staff will be handling traffic for the General District Court since their hours of operation would be different.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve all Constitutional Officers agreements as presented and authorized the Chairman to execute the agreements on behalf of the County. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: Pace.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Burkett nominated Dwane Pugh for reappointment as an At-Large representative on the Youth Commission for a four year term, with said term expiring September 30, 2012. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS

RE: CAPITAL IMPROVEMENTS PLAN (CIP) REVIEW

By consensus, the Board scheduled a worksession on Tuesday, August 26, 2008, beginning at 4:00 p.m. to conduct a comprehensive review of the Capital Improvements Plan.

RE: DISCUSSION ON VESTING OR GRANDFATHERING OF BIG BOX PROJECT ON ROUTE 3

Chairman Johnson requested that this item be added to the agenda. He commented on statements made at previous Board meetings indicating that it can close the door at anytime on projects that have been two years in the making. He updated the Board on the community survey that had been conducted four years ago and that the largest respondent looked for commercial growth.

Mr. Burkett commented that he felt it had been a mistake to pass the Big Box Ordinance as quickly as the Board had done. He stated that he feels that the Route 3 project should still be grandfathered. He stated that he had not changed his position on the project and takes full responsibility for passing a bad ordinance.

Discussion ensued regarding: substantial projects and what the citizens want.

RE: SUBDIVISION ORDINANCE DRAFT

Mrs. Pace requested that this item be added to the agenda for discussion.

By consensus, the Board requested that this item be added to the August 12, 2008 agenda to discuss the setting of a public hearing date.

RE: PENDING ITEMS

a. Comprehensive Review of CIP
b. Wireless Project
c. Illegal Immigration
d. Lighting Ordinance

RE: INFORMATION ITEMS

The Board received information regarding insurance consolidation for volunteer fire & rescue agencies.

RE: CALENDAR

The Board received copies of its calendar for the months of July, August and September, 2008.

RE: CLOSED SESSION

- Discussion concerning existing business or industry where no previous announcement has been made of the business or industry's interest in expanding their facilities in the community, as permitted by Virginia Code section 2.2-3711(A)(5);
- Discussion and evaluation of the County Administrator's Office, where such discussion will necessarily involve specific individuals, as permitted by Virginia Code section 2.2-3711 (A)(1).

The Board did not convene in Closed Session. Items to be discussed will be considered at the August 12, 2008 meeting.

RE: ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:43 p.m.